INDEX

ability grouping, 86
abortion stand, 244
academic dismissal—see dismissal
academic freedom, 244, 248
acquired immune deficiency syndrome (AIDS), 120, 138
administrative review, 123-25
administrative regulations and statutory provisions, 38, 39
admission, 259-61
admission to the bar, 237
advancement of religion—see constitutional rights
affirmative action, 249
age discrimination—see Age Discrimination in Employment Act (discrimination)
Age Discrimination in Employment Act of 1975 (ADEA), 2, 11, 12, 68
agency fee, 46, 48
alcoholic beverage—see drugs
aliens/alienage, 174, 220, 221
antitrust, 275
arson, 266
assault/battery, 154, 163-65, 183, 184
assignment and transfer, 105-15
association with people of foreign national origin, 11
assumption of risk, 269
attorney fees, 115-17, 133, 134, 158, 170, 184, 194, 245, 253

back pay, 11, 66, 68, 70, 76, 193
bad faith, 178
benefits, 254, 255
bilingual/bicultural, 86, 87, 105, 113, 219
bomb threat, 101
bonds, 225-28
breach of contract, 247-49, 261, 263, 273, 274
budget, 230, 231
budget reduction, 236
bump—see reduction-in-force
bus/busing/bus drivers, 106, 110-14
business necessity, 176

call-back rights—see reduction-in-force
campus police, 237
certification/decertification, 30, 33, 35, 37, 42-4, 60
change in placement—see placement
cheating, 266
Chicksaw Cession, 206, 207
child abuse, 27
Civil Rights Act of 1866
  section 1981, 6, 247, 260
Civil Rights Act of 1871
  section 1983, 3, 5, 88, 141, 169, 171, 173, 176-78, 185, 194, 221, 239, 247, 252, 260
Civil Rights Act of 1964
  title VI, 86, 238, 239, 260
  title VII, 2, 5-11, 171, 173, 175, 194, 195, 234, 239-44, 245, 247
    section 701, 7
Civil Rights Attorney's Fees Act, 17
  section 1988, 177
chiropractic, 274
coaching and teaching, 37
collective bargaining/collective bargaining agreement, 46-77, 257-59
  agreement, 193
  arbitrability, 58-63, 68-72
  elections, 53, 54
  exclusive representation, 54
  negotiable items—see scope of bargaining
  scope of bargaining, 48, 56, 57, 72
  union rights and obligations, 54-6
  unit determination, 50, 51
comparative negligence—see tort (negligence)
compelling interest, 174
compensation—see wages
competency testing, 44
compulsory attendance, 83-6
condemnation proceedings, 237
conflict of interest, 235, 236
consent form, 269
constitutional rights
  association, 7, 11, 15, 91
  privacy, 16, 171
  religion, 15, 16, 83, 84, 265
  speech 12-5, 91, 94, 247, 253, 264, 265
contracts
  Contracts Disputes Act, 36-8, 272
  length, 191, 192
  liability, 271-73
  oral, 256
contributory negligence—tort (negligence)
copyright, 272
corporal punishment, 25, 70, 103, 146, 164
crossing guards, 147
curvature of the spine, 146

deceptive practices, 273
defamation—see tort (intentional)
Deficit Reduction Act of 1984, 254
degree/diploma, 265
demotion, 22
Department of Education, United States, 199, 218, 219
Department of Labor, Division of Workman's Compensation—see

INDEX

ability grouping, 86
abortion stand, 244
academic dismissal—see dismissal
academic freedom, 244, 248
acquired immune deficiency syndrome (AIDS), 120, 138
administrative review, 123-25
administrative regulations and statutory provisions, 38, 39
admission, 259-61
admission to the bar, 237
advancement of religion—see constitutional rights
affirmative action, 249
age discrimination—see Age Discrimination in Employment Act (discrimination)
Age Discrimination in Employment Act of 1975 (ADEA), 2, 11, 12, 68
agency fee, 46, 48
alcoholic beverage—see drugs
aliens/alienage, 174, 220, 221
antitrust, 275
arson, 266
assault/battery, 154, 163-65, 183, 184
assignment and transfer, 105-15
association with people of foreign national origin, 11
assumption of risk, 269
attorney fees, 115-17, 133, 134, 158, 170, 184, 194, 245, 253

back pay, 11, 66, 68, 70, 76, 193
bad faith, 178
benefits, 254, 255
bilingual/bicultural, 86, 87, 105, 113, 219
bomb threat, 101
bonds, 225-28
breach of contract, 247-49, 261, 263, 273, 274
budget, 230, 231
budget reduction, 236
bump—see reduction-in-force
bus/busing/bus drivers, 106, 110-14
business necessity, 176

call-back rights—see reduction-in-force
campus police, 237
certification/decertification, 30, 33, 35, 37, 42-4, 60
change in placement—see placement
cheating, 266
Chicksaw Cession, 206, 207
child abuse, 27
Civil Rights Act of 1866
  section 1981, 6, 247, 260
Civil Rights Act of 1871
  section 1983, 3, 5, 88, 141, 169, 171, 173, 176-78, 185, 194, 221, 239, 247, 252, 260
Civil Rights Act of 1964
  title VI, 86, 238, 239, 260
  title VII, 2, 5-11, 171, 173, 175, 194, 195, 234, 239-44, 245, 247
    section 701, 7
Civil Rights Attorney's Fees Act, 17
  section 1988, 177
chiropractic, 274
coaching and teaching, 37
collective bargaining/collective bargaining agreement, 46-77, 257-59
  agreement, 193
  arbitrability, 58-63, 68-72
  elections, 53, 54
  exclusive representation, 54
  negotiable items—see scope of bargaining
  scope of bargaining, 48, 56, 57, 72
  union rights and obligations, 54-6
  unit determination, 50, 51
comparative negligence—see tort (negligence)
compelling interest, 174
compensation—see wages
competency testing, 44
compulsory attendance, 83-6
condemnation proceedings, 237
conflict of interest, 235, 236
consent form, 269
constitutional rights
  association, 7, 11, 15, 91
  privacy, 16, 171
  religion, 15, 16, 83, 84, 265
  speech 12-5, 91, 94, 247, 253, 264, 265
contracts
  Contracts Disputes Act, 36-8, 272
  length, 191, 192
  liability, 271-73
  oral, 256
contributory negligence—tort (negligence)
copyright, 272
corporal punishment, 25, 70, 103, 146, 164
crossing guards, 147
curvature of the spine, 146

deceptive practices, 273
defamation—see tort (intentional)
Deficit Reduction Act of 1984, 254
degree/diploma, 265
demotion, 22
Department of Education, United States, 199, 218, 219
Department of Labor, Division of Workman's Compensation—see

workman's compensation
desegregation/segregation/integration, 105-17, 219
cross-district remedies, 107-10
plan oversight, 105, 110
systemwide remedies, 106
unitary status, 105, 110-112
diploma—see degree
discovery, 248, 249
discrimination
age, 2, 11, 12, 246
alienage, 3
color, 175
employment, 2, 175
handicap, 3, 12
national origin, 11
race, 3, 5, 6, 193, 194, 238, 239, 241, 247, 260
religion, 7, 8, 15, 16, 244
sex, 2, 8-11, 195, 196, 241, 243, 248, 249
disease
scoliosis, 146
dismissal, 22, 64, 68, 234
academic, 234, 265, 267, 268
disparate impact/discriminatory impact, 176, 241
disparate treatment/discriminatory treatment, 175, 241
divestment, 235
diving accident, 154
doctrine of *res judicata*, 239, 245, 250, 252, 260
dormitory, 268
draft, 169
dramshop, 188, 189
drinking—see drugs (alcohol)
drowning, 30
drugs/narcotics, 88-90, 98, 140, 154, 236, 268, 269
alcohol, 25, 63, 99, 100, 151, 188, 189, 262, 270, 275
cocaine, 197
marijuana, 26, 98, 100, 166
speed, 26
testing, 48
tobacco, 100
due process clause—see fourteenth amendment
duress in nonreemployment, 39

Education Amendments of 1972
title IX, 2, 173, 175, 182, 195, 245, 246
Education Consolidation and Improvement Act of 1981, 92
Education for All Handicapped Children Act of 1975 (P.L. 94-142), 119
summer program, 130, 131
stay put/status quo, 123, 131
Education of the Handicapped Amendments Act of 1986 (P.L. 99-457), 119
administrative review, 123-25
discipline, 131
exclusion from school, 121, 122
placement, 120, 121
remedies, 132
state immunity, 135
state laws, 135-37
Educational Testing Services (ETS), 261
Elementary and Secondary Education Act of 1965
title I, 217
eleventh amendment, 176, 181, 206, 249, 251, 257, 264, 265, 272, 275
eligibility rules
age, 177
emotional distress, 167, 168, 259, 269, 273
employee privileges, 251-53
Equal Access Act, 94-98
Equal Educational Opportunities Act of 1974 (EEOA), 86
Equal Employment Opportunity Commission (EEOC), 194, 244
Equal Pay Act (EPA), 2, 244, 245
equal pay theory, 240
equal protection clauses—see fourteenth amendment
equalized formulas, 205-12
essence test, 68
establishment clause—see first amendment
estoppel, 42, 156
ETS's stolen admission tests, 261
evaluation, 191
excessive entanglement—see first amendment (establishment clause)
exclusionary rule—see search and seizure
exclusive representation, 54
expulsion/expel—see suspension (student)
extended school year—see Education for All Handicapped Children Act of 1975 (summer program)
extracurricular activity/sports, 130, 137, 150, 173-98
baseball, 178, 183, 185, 187
basketball, 177, 188
bleacher collapse, 153, 188
cheerleading, 152, 186
distributor contracts, 196
enroute to game, 188
equality of programs, 182

football, 144, 150, 178, 184, 185, 187-89
gymnastics, 154, 155, 187
kickball, 145
lacrosse, 186, 269
media competition, 197
outside participation, 179
products liability (helmets), 189
redshirting, 179
rowing, 187
rugby, 186
spectator, 187
track, 178
transfer, 181, 182
trampoline, 143, 144
wiffleball, 144
wrestling, 186, 188
extracurricular duty, 73

facially neutral, 174, 175
fair representation, 55
fair share agreements, 47, 258
federal funds, 199, 200
federal funds for education, 216-20
Federal Insurance Contributions Act (FICA), 254
fees, 220-22
interest income, 235
recovery of, 105
school impact, 224-27, 229, 230
field trip, 30, 151, 275
financial aid, 199, 234, 262, 263
fireworks, 178
first amendment, 52, 93, 169, 170, 246, 251, 260
establishment clause, 52, 200-03
advance nor inhibit, 200-03
excessive entanglement, 200-03
free exercise clause, 94, 265
protected speech, 256
forum, see Equal Access Act
foundation programs, 205-12
fourteenth amendment, 173, 175, 260
due process, 17-22, 49, 100, 150, 155, 169, 171, 175, 182, 183, 196, 250, 251, 254, 256, 257, 259, 262, 266-68
liberty right, 19-21, 171, 175, 248, 266, 268
life, 175
property right, 20, 21, 40, 171, 266, 268
equal protection clause, 3, 11, 31, 49, 100, 137, 164, 174, 175, 180, 182, 183, 207, 220, 221, 236, 238, 247, 258, 260, 264, 266, 268
strict scrutiny, 174
free appropriate education, 174
free exercise clause—see first amendment
freedom of association—see constitutional rights
Freedom of Information Act, 262
freedom of petition—see constitutional rights
freedom of religion—see constitutional rights
freedom of speech—see constitutional rights
fundamental interest, 209
fundamental right, 174

garnishment, 263
gay rights—see homosexual
gifted students—see individualized education program (IEP)
goal posts, 270
governmental conflicts—see intergovernmental relations
governmental immunity—see immunity
grades, 102, 103, 178, 268
graduation, 101
grievance, 55, 58, 63, 64, 76

handicap discrimination—see discrimination
harassment, 245, 250, 256
helmets, 189
home instruction, 83, 84
homosexual/gay/lesbian, 264, 265

immorality, 26, 189, 190
immunity, 270
governmental, 135, 152-55
sovereign, 155, 270, 275
statutory, 155
immunization, 93, 178
incompetence, 28, 29, 190, 191, 250
individualized education program (IEP), 104, 120, 125
inhibiting religion—see first amendment
institution's name, 235
insubordination, 23, 101, 191
intentional tort—see tort
intergovernmental relations, 227-30, 234-38
Internal Revenue Code, 234
involuntary leave of absence—see leaves

Jarema credit, 41
judicial review, 65-71
jurisdiction, 237

land acquisition, 237
Land Ordinance of 1785, 206
lease, 272, 273
least restrictive environment (LRE), 125,

126
leaves
  involuntary, 49, 62, 72
  religious, 16
  sabbatical, 65, 68
  sick, 58, 69, 258
lesbian—see homosexual
liability, 148, 153, 160, 165, 188, 189, 234, 270
  contract cost, 272
  insurance, 157-59
  products, 189, 272
  strict, 160, 161, 272
libel—see tort (intentional)
liberty right—see fourteenth amendment
life—see fourteenth amendment
literacy, 174
loan default, 234

magnet schools, 106, 108, 112, 113
mainstreaming—see placement
malpractice, 274
mandatory topics of bargaining—see collective bargaining (scope)
marriage as a civil right, 17
meditation—see prayer
minimum wage, 272
minority status and seniority, 3-5
moral turpitude—see immorality

name change, 235
national origin discrimination—see discrimination
neglect of duty, 25, 192
negligent tort—see tort
nonrenewal, 22, 191
nursing care, 129

open meetings/records laws, 197
oral contract, 256
orals, 267

Palestine Liberation Front, 264
parent teacher organizations, 202
patents, 271
permissive topics of bargaining—see collective bargaining (scope)
personal injury, 268-71
physical therapy, 145, 146
placement, 63, 65, 74, 120-23, 170
  current/existing, 123
  mainstreaming, 122, 123, 126
  private, 127, 128
  unilateral, 120, 122, 123
plagiarism, 250, 266
prayer
  meditation, 273
  meetings, 13, 90, 91, 94
pregnancy, 9, 16-8, 27, 171
preparation period, 69, 71
privacy—see search and seizure
probation, 39
probationary period, 40
products liability—see liability
profanity, 246
program elimination, 253
prohibited topics of bargaining—see collective bargaining (scope)
promissory estoppel, 36
property right—see fourteenth amendment
property right under state law, 174
Proposition 2½, 210, 211
protected classes, 176
psychotherapy, 129
public forum—see Equal Access Act
Public Law 94-142—see Education for All Handicapped Children Act of 1975
Public Law 99-457—see Education of the Handicapped Amendments Act of 1986
public records, 271

race discrimination—discrimination
racial quota, 238
rape—see sexual assault
rational relationship/rational basis—see fourteenth amendment (equal protection clause)
realignment and reassignment, 33
reasonable suspicion—see search and seizure
recovery, 263
recovery of misused federal funds, 216-20
recovery of veterans administration benefits, 262
reduction-in-force (RIF), 30-3, 39, 70, 72, 73, 75, 140, 253
  recall provisions, 30-3
Rehabilitation Act of 1973, 262
  section 504, 3, 12, 133, 137-41
reimbursement of special education funds, 214-16
religious discrimination—see discrimination
religious education in public schools, 200, 202
religious garb, 16
religious days and meetings, 8, 16
Relocation Assistance Act, 237
resignation, 192
retaliation, 243, 246, 257

retirement, 69, 77
right of association—see constitutional rights

sabbatical leave—see leaves
salary—see wages
search and seizure, 79, 80, 88-90
 reasonable suspicion, 79, 88, 89
 right to privacy, 10, 17, 63, 89, 268
seatbelts, 146, 147, 167
section 504—see Rehabilitaiton Act of 1973
section 701—see Civil Rights Act of 1964 (title VII)
section 1981—see Civil Rights Act of 1866
section 1983—see Civil Rights Act of 1871
section 1985—see Civil Rights Act of 1871
section 1988—see Civil Rights Attorney's Fees Act
section 2000d—see Civil Rights Act of 1871
self incrimination, 266
seniority, 3-5
sex discrimination—see discrimination
sexual assault/molestation/rape, 149, 164, 168
sexual harassment/activity/advancement, 9, 15, 252, 257
sexual relations/misconduct, 27
sick leave—see leaves
slander—see tort (libel)
special education funds, 213-16
speech—see constitutional rights
sports, 173-198—see extracurricular activities
state funding formulas, 205-212
state interest, 207, 208
statute of limitations, 134, 153, 272
stay put/status quo—see Education for All Handicapped Children Act of 1975
stolen admission tests, 261
strict liability—see tort
strike, 74-6, 259
student financial aid, 262-64
student teachers at private sectarian schools, 200, 202
summer program—see Education for All Handicapped Children Act of 1975
sunshine laws, 236
surplus funds, 215
suspect classification, 174
suspension
 student, 85, 98-103, 266, 267

taping hearings, 266
tax
 authority, 200, 222-25
 collection of back taxes, 223
 exempt status, 231, 236, 237, 255
 exemption, 231, 232
 refunds, 223
 revolt, 199, 210-12, 224
teacher assignment, 63, 65
teacher qualification, 65
 teaching and holding school board office, 39
tenure, 39-44, 73
 nonrenewal, 247
 nontenured, 247-50
 termination, 239, 246, 253, 254, 255
 tenured, 250-55
testing, 103
textbook loan program, 200, 203
timely notice, 156, 157
title I—see Elementary and Secondary Act of 1965
title VI—see Civil Rights Act of 1964
title VII—see Civil Rights Act of 1964
title IX—see Education Amendments of 1972
tobacco—see drugs
tolling, 240, 241
topics of bargaining—see collective bargaining (scope)
tort, 142-171, 183-89, 251, 270
 constitutional, 169
 intentional, 165, 183, 184
  defamation, 165, 166, 248, 251, 252, 253, 255
  libel, 184, 252, 255
 negligence, 143-57, 160, 184-89, 274, 275
  contributory, 145, 275
Tort Claims Act, 274
trade secrets, 273
transcendental meditation, 273
transfer of teachers, 69, 192, 193
transportation, 82, 128, 146-49, 204, 205
truancy/truant, 80-86
tuition, 80-2, 119-141, 220-22, 261, 273, 274

unemployment compensation, 74, 75, 255, 271
unfair labor practices, 63, 67, 68, 70, 71
unilateral placement—see placement
union activities, 54, 258
union dues, 46-48
United States Department of Health and Urban Development, 107
United States Secretary of State, 264

unprofessional conduct, 24, 25, 71, 250
use of school facilities, 90

vandalism, 102
verbal contract, 256
Veterans Administration, 262
vocational rehabilitation, 199, 200, 203, 204
voting rights/votes, 174, 268

wages, 11, 193, 234, 236, 239, 240, 244, 245, 252, 253
  minimum wage, 272
whistle blowing, 247
withholding transcripts, 221, 222, 263
woodworking, 145
worker's compensation, 70, 159-63, 197, 198, 271
workman's compensation, 197, 198, 263, 264, 271
wrongful death, 146, 147, 148, 153, 154, 158